

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Communications Assistance for Law)	ET Docket No. 04-295
Enforcement Act and Broadband Access and)	
Services)	RM-10865

**REPLY COMMENTS OF
Nicolet Area Technical College**

Introduction and Summary

Nicolet Area Technical College respectfully submits these reply comments in response to the Further Notice of Proposed Rulemaking adopted in the above-captioned docket.¹ Nicolet Area Technical College supports the comments filed by the Higher Education Coalition and submits this reply to amplify several points based on its own experience and circumstances.

(1) the FCC should make clear that the private networks operated by colleges, universities, and research institutions are exempt from CALEA; (2) Nicolet Area Technical College's experience with law enforcement surveillance requests demonstrates that existing procedures are more than adequate to ensure prompt compliance with any lawful surveillance request by a law enforcement agency; and (3) applying CALEA to Nicolet Area Technical College's broadband network would

¹ *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) ("*Order*").

be an unfair financial burden to the college and its constituents and that the federal government, and not the local tax paying public, should shoulder these costs.

Discussion

A Broad Application of CALEA Would Impose Significant Burdens on Nicolet Area Technical College and Divert Funds from Its Critical Educational Mission.

As noted above, Nicolet Area Technical College believes that CALEA does not apply to it under the plain terms of the statute and under the most reasonable reading of the *Order*. If the Commission were to apply the language in footnote 100 of the *Order* broadly and conclude that higher education networks such as Nicolet Area Technical College's must comply with some or all assistance capability requirements, such a ruling would impose significant and unwarranted burdens.

Conclusion

Nicolet Area Technical College respectfully requests that the Commission clarify that private networks operated by higher education and research institutions are not subject to CALEA, or alternatively grant an exemption under Section 102(8)(C)(ii) of CALEA.

Respectfully submitted,

Tom Eckert
Vice President of College Services
Nicolet Area Technical College

County Highway G, Rhineland WI 54501

December 21, 2005 (deadline extended to December 21)